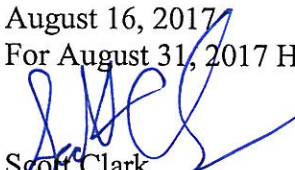




MEMORANDUM

TO: Steve Shell
Zoning Examiner

DATE: August 16, 2017
For August 31, 2017 Hearing

FROM: Scott Clark
Planning & Development Services
Interim Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-17-08 BP Swan Investors, LLC – Swan Road
R-1 to OCR-1 (Ward 4)

Issue – This is a request by Thomas Sayler-Brown of SBBL Architecture to rezone approximately 27.78 acres from R-1 to OCR-1 zoning. The rezoning site was formerly a State of Arizona mental health facility, located at 2021 S. Swan Road, on the southeast corner of 29th Street and Swan Road (see Case Location Map). The preliminary development plan (PDP), proposes commercial retail and food service uses in two approximately 30-foot tall buildings totaling 18,000 square feet of floor area in the western portion of the site near Swan Road, and administrative and professional office uses in 6-story buildings with a maximum height of 100 feet and totaling 755,250 square feet of floor area near the center of the site, along with associated parking and landscaping.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of OCR-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Former site of Arizona mental health facility.

Zoning Descriptions:

Existing: R-1 – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services necessary for a satisfactory urban residential environment. Certain other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Proposed: OCR-1 – The purpose of this zone is to provide for high-rise development that serves the community and region and is located in major activity centers or at transit centers. Principal land uses include office, commercial and high-density residential, and including agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted provided design and development standards apply. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

Surrounding Zones and Land Uses:

North: C-2; Commercial and Personal Storage

South: R-1; City diversion channel and Davis-Monthan Air Force Base

East: R-3; Multi-family Residential

West: R-1 & C-2; Single-family and Multi-family Residential and Commercial

Previous Cases on the Property: None

Related Cases:

C9-15-07 Mainstreet Health – Rosemont Boulevard, R-1 to R-2 Special Exception – This was a request to rezone a closed school site, 8.5 acres, at the northeast corner of Rosemont Boulevard and Pima Street, with a Special Exception to allow for the development of a post-acute transitional care center and medical outpatient/office use. On May 17, 2016, Mayor and Council approved and adopted Ordinance 11359.

C9-16-16 – Pima Medical Institute – Craycroft Road, R-1 to OCR-1 – This was a request to rezone a closed TUSD school site, located approximately 600 feet south of Grant Road and bounded by Craycroft Road on the east and Beverly Avenue on the west, and comprised of approximately 19.9 acres. The proposal was to renovate and repurpose the 75,000 square-foot former Townsend Middle School building for a Pima Medical Institute campus. The PDP also proposed the development of eight new buildings on the eastern half of the property with an additional 146,300 square feet of medical office, office, residential care/transitional care, restaurant, and retail land uses, with building heights ranging from 20 feet to 70 feet. On May 23, 2017 Mayor and Council voted to authorize the rezoning.

Applicant's Request – The applicant proposes to rezone 27.78 acres to OCR-1 for development of a mix of land uses including retail commercial, food service and offices.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*. The rezoning site is located within an existing neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within existing neighborhoods, *Plan Tucson* calls for maintaining the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment with new services and amenities that contribute further to neighborhood stability.

Plan Tucson supports the retention and expansion of existing businesses as well as infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and also adhere to relevant site and architectural design guidelines. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Plan Tucson policies also promote quality and safety in design, compatibility with and adequate buffering of surrounding development, the planting and management of healthy, attractive urban vegetation, and the conservation and enhancement of environmentally sensitive habitat. Urban heat island effects should be mitigated by expanding and maintaining a healthy drought-tolerant low-water use urban forest. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

Future development must be in substantial conformance with the Preliminary Development Plan. Minor changes may be considered. Major changes require an amendment approved by Mayor and Council.

Design Considerations

Plan Tucson emphasizes design compatibility of new projects with adjacent land uses. The applicant is proposing a mix of land uses, including administrative and professional offices, retail commercial, and restaurants, with building heights ranging from 30 feet for the retail and food service uses, and to up to 100 feet for the office buildings. Immediately to the south is a City diversion channel, zoned R-1, and across Golf Links Road is the Davis-Monthan Air Force Base, zoned R-1 and I-1. To the north of the site are commercial uses and a self-storage facility, zoned C-2, with R-2 zoned single-family residential uses beyond. West of the site across Swan Road, are commercial and multi-family uses, zoned C-2, and single-family residential uses, zoned R-1. Directly to the east of the site are multi-family uses, zoned R-3, with an R-1 zoned City park just beyond.

The rezoning site is located within the *Airport Environ Zones (AEZ)*, *Noise Control District-A (NCD-A)* and *Airport Hazard District (AHD)* for Davis-Monthan Air Force Base. *AHD*'s are specifically designated areas of land where uses that constitute hazards to airport operations are prohibited and heights are limited. Noise Control Districts are specifically designated noise exposure areas that have requirements for noise attenuation for certain land uses in order to improve the compatibility of occupied buildings with flight operations. The applicant's design compatibility report indicates that the redevelopment of the property will comply with all AEZ regulations, including the use restrictions (i.e.: no civic assembly or residential uses), noise mitigation for buildings, and the additional height limitation which restricts building height to a maximum of 100 feet at the closest corner to Davis-Monthan Air Force Base. While the applicant is requesting OCR-1 zoning, which allows for a maximum height of 140 feet, staff recommends that maximum heights be restricted to 100 feet, as identified on the Preliminary Development Plan.

The PDP identifies dumpsters near the eastern boundary of the site. Staff recommends that all dumpsters, loading zones, and any other outdoor activities be located a minimum of 50 feet from the residentially zoned property abutting the project site's east property line. All buildings should include four-sided architecture to be reviewed at time of building plan/development package submittal.

Drainage/Vegetation – City Engineering has indicated that retention of the total 5-year storm is required for onsite storm water flow. The applicant will need to coordinate with City Engineering regarding the final design of their retention plan for the site. Onsite runoff should be discharged to a water harvesting basin prior to discharge to the street with no increase in the peak discharge for the 2-, 10-, 50- and 100-year flood events.

Road Improvements/Vehicular Access/Pedestrian Circulation – According to the Preliminary Development Plan (PDP) dated June 9, 2017, vehicular ingress/egress to the rezoning site will utilize three existing driveways from Swan Road to the west and two driveways from 29th Street to the north. The northern and southernmost driveways on Swan Road will be limited to right-in/right-out only due to an existing median in Swan Road. The central access drive will have access to and from both north and southbound lanes on Swan Road with a proposed new median opening. There is no median in 29th Street so both vehicle ingress/egress points along the north boundary of the site will be full access. Both Swan Road and 29th Street are classified as arterial routes on the *Major Streets and Routes Plan (MS&R)*, with both having a planned right-of-way of 100 feet. Golf Links Road, approximately 250 feet to the south of the southern site boundary and across the Tucson diversion channel, is designated as a Gateway arterial route on the MS&RP, with a right-of-way of 200 feet.

TDOT indicates that a traffic impact analysis will be required, including warrant studies for deceleration lanes on Swan Road and on 29th Street. The study should also include needed capacity improvements at the signalized intersections adjacent to the project site, in order to accommodate added traffic from the new development. Where existing sidewalks adjacent to the site are less than five feet in width, passing spaces at least five feet by five feet should be located at reasonable intervals not to exceed 200 feet. A 6-foot sidewalk is required along the Swan Road frontage of the rezoning site. Right-of-way dedication may be required along major street frontages according to the *Major Streets and Routes Plan*.

Conclusion – The proposed rezoning of the site from R-1 to OCR-1 is suitable for this location, and approval of the requested OCR-1 zoning is appropriate, subject to compliance with the attached preliminary conditions.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated June 9, 2017, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. At time of building plans review, applicant shall submit dimensioned building elevations showing four-sided architecture. Building design shall include architectural features and design elements at the same level of detail for all elevations (side and rear elevations will be commensurate with front elevation), including but not limited to, comparable color palette, rooflines, and materials. Building height shall not exceed 100 feet.
7. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
9. All dumpsters, loading zones, and any other outdoor activities shall be located a minimum of 50 feet from the boundary of the residentially zoned property immediately to the east of the rezoning site.

DRAINAGE/GRADING/VEGETATION

10. The site shall provide retention of the 5-year discharge within retention basins and water harvesting areas and required landscape areas.
11. There shall be no increase in the peak discharge for the 2-, 10-, 50- and 100-year events.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-17-08 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case C9-17-08.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-17-08.

Dated this _____ day of _____, 20____.

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By:

(Signature of Owner or Authorized Representative, if applicable)

By:

(Signature of Owner or Authorized Representative, if applicable)

Its:

(Title of Individual Signing in Representative Capacity)

Its:

(Title of Individual Signing in Representative Capacity)

State of Arizona)

County of _____)

On this _____ day of _____, 20____, before me personally appeared

_____ on the basis of satisfactory evidence to be the person who

he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

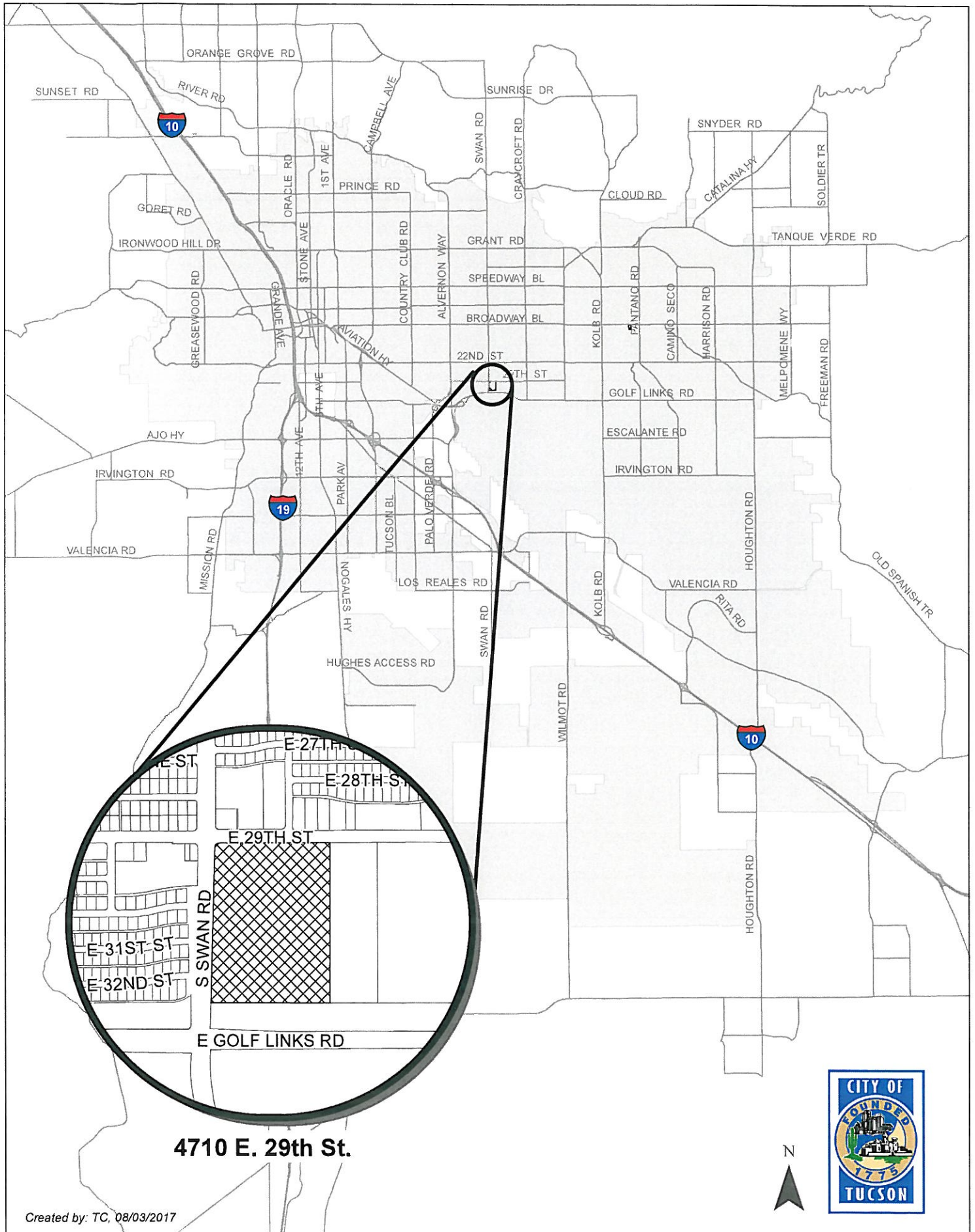
City of Tucson, an Arizona municipal Corporation:

By:

Planning & Development Services Department

This form has been approved by the City Attorney.

C9-17-08: BP Swan Investors, LLC - Swan Road



C9-17-08 BP Swan Investors, LLC

Rezoning Request: R-1 to OCR-1



Subject Property

2016 Aerial

Created by: TC, 08/03/2017



Address: 4710 E. 29th St.

Base Maps: T.14S R.14E S. 23

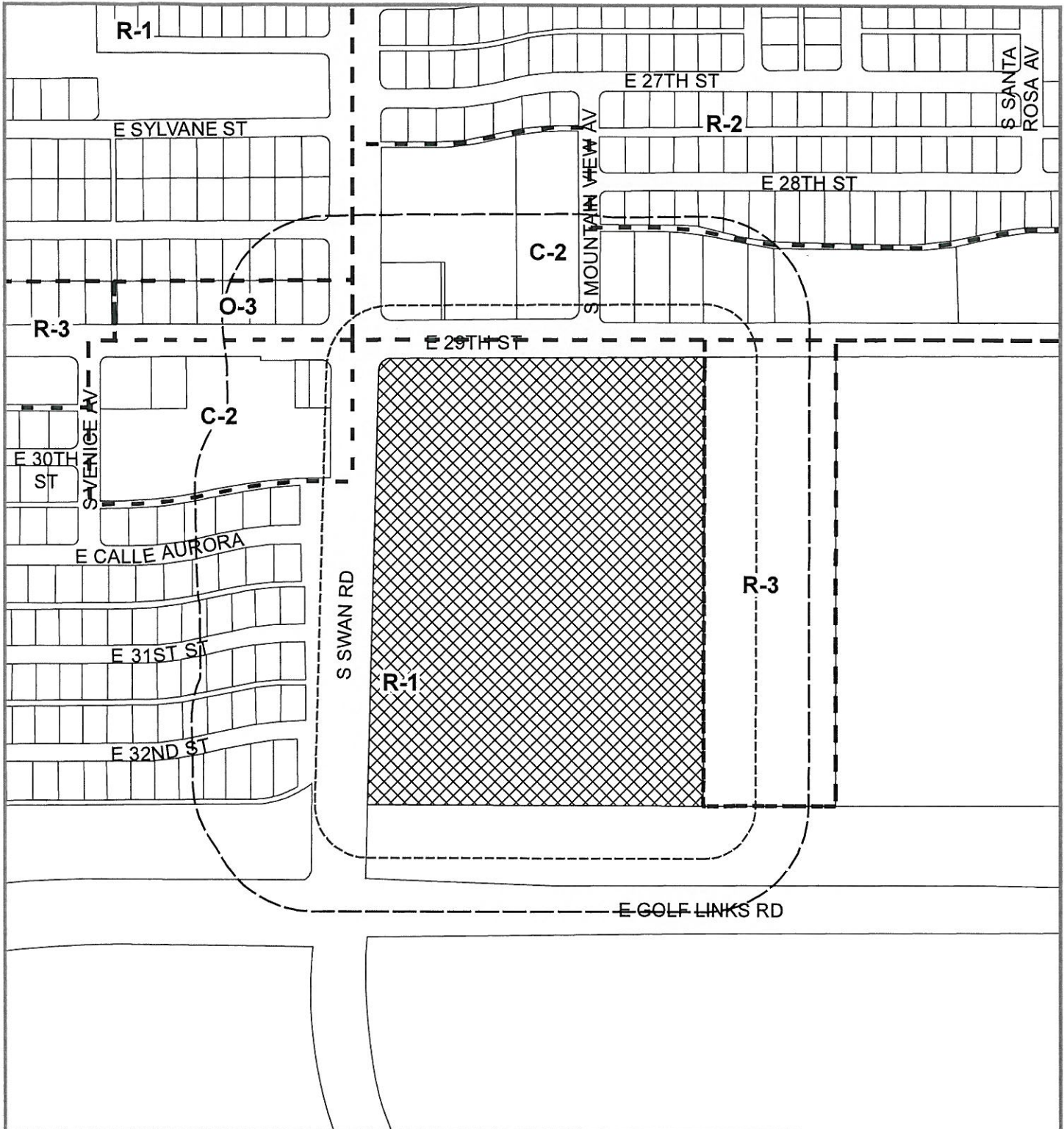
Ward: 4


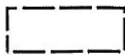
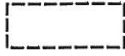

0 200 400 Feet

1 inch = 400 feet



**C9-17-08 BP Swan Investors, LLC - Swan Road
Rezoning Request: R-1 to OCR-1**



-  Area of Rezoning Request
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Notification)
-  Zone Boundaries

Address: 4710 E. 29th Street
Base Maps: Twp.14S Range14E Sec. 23
Ward: 4

0 200 400 Feet
1 inch = 400 feet





PROPERTY -

LOCATION MAP
SCALE: 1" = 1 MILE

LEGAL DESCRIPTION

PRELIMINARY CALCULATIONS / DATA

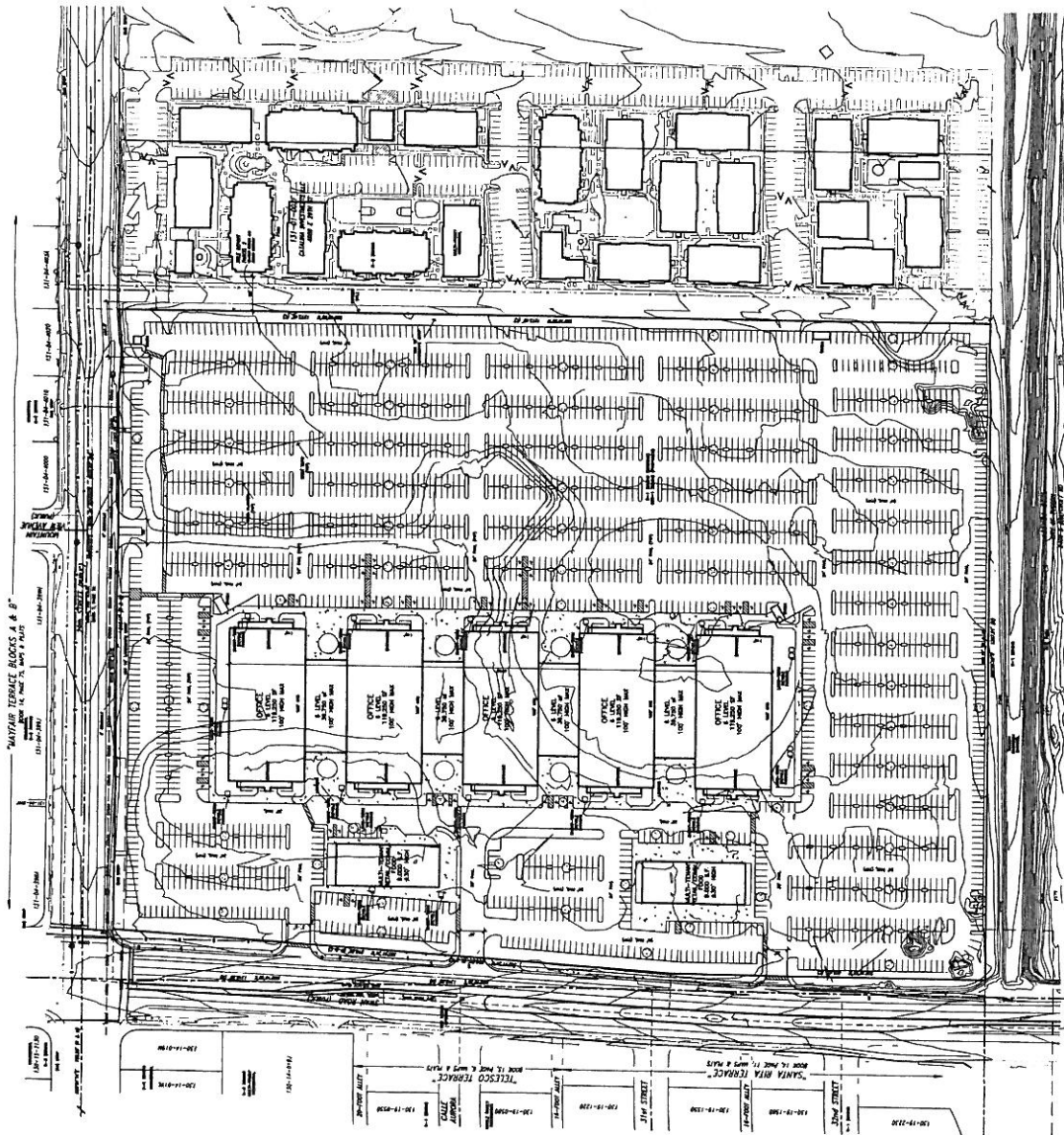
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Rezoning
Preliminary Development Plan
C9-17-08 Date 6-9-17
Planning & Development Services

PRELIMINARY DEVELOPMENT
PACKAGE

2021 S SWAN ROAD
W99117' OF NW4 S14 S 28.99 AC PARCEL 77
SECTION 23, TOWNSHIP 14 SOUTH, RANGE 14 EAST
RIVER MERIDIAN, PIMA COUNTY, ARIZONA

SHEET 1 OF 3



REFERENCE PLAN

GOLF LINKS ROAD



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-17-08 BP Swan Investors, LLC – Swan Road R-1 to OCR-1 (Ward 4)

I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-17-08

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-17-08

IMPORTANT REZONING NOTICE ENCLOSED

F:\Sharedir\REZONING\Rezoning TEMPLATES\ZE mailout